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19 Attorneys for Defendants:
20 YARBROUGH WORLD SOLUTIONS, LLC
21 And DALLY E. YARBROUGH.

22 **UNITED STATES DISTRICT COURT**
23 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

24 PETER ALBERS, an individual,

25 **CASE NO.: 5:19-CV-05896-EJD**

26 Plaintiff,

27 **STIPULATION AND [PROPOSED]**
28 **ORDER TO CONTINUE CASE**
MANAGEMENT CONFERENCE

29 YARBROUGH WORLD
30 SOLUTIONS, LLC, an Arizona limited
31 liability company; DALLY E.
32 YARBROUGH, individually and
33 manager of YARBROUGH WORLD
34 SOLUTIONS, LLC; and DOES 1
35 through 10, inclusive,

36 Assigned to:
37 Hon. Edward J. Davila, San Jose
38 Courthouse, Ctrm 4, 5th Floor

39 Action Filed: September 20, 2019
40 Trial Date: Not Assigned

41 Conf. Date: January 9, 2020
42 Conf. Time: 10:00 a.m.

43 Defendants.

1 Plaintiff, PETER ALBERS and defendants YARBROUGH WORLD
2 SOLUTIONS, LLC, an Arizona limited liability company ("YWS"), and DALLY
3 E. YARBROUGH (hereinafter collectively, "the Defendants") hereby jointly
4 stipulate and request through their attorneys of record that the Court continue the
5 currently scheduled Case Management Conference set for January 9, 2020 at 10:00
6 a.m., to February 10, 2019.

7 This stipulation is submitted after counsel for Plaintiff and Defendants have
8 met and conferred and is submitted to this Court pursuant to Northern District of
9 California Civil Local Rules 6-3 and 16-2(e), and the Clerk's Notice dated October
10 8, 2019 Resetting Case Management Conference Following Reassignment (ECF 7).
11 No party has requested any other changes to the case schedule in this matter, and no
12 modifications have been made by the Court.

13 Good Cause exists for the continuation:

14 1. On September 20, 2019, Plaintiff filed the Complaint in this action
15 alleging several causes of action against the Defendants.

16 2. Despite diligent efforts, Plaintiff was initially unsuccessful in serving
17 the Complaint on Defendants. Plaintiff attempted service on at least six (6) occasions
18 at the address specifically listed for registered service of process for YWS, as well
19 as Yarbrough's purported residence. *Id.* None of these were successful.

20 3. Thereafter, Plaintiff served the Arizona Corporation Commission,
21 through which Defendants presumably obtained the Complaint. On November 20,
22 2019, counsel for Defendants contacted counsel for Plaintiff to establish his
23 representation and accept service on behalf of Defendants. Prior to this telephone
24 call, Plaintiff was unaware of the fact that Defendants had retained counsel. Counsel
25 for Defendants executed a Waiver of the Service of Summons dated November 21,
26 2019, giving Defendants sixty (60) days to file a responsive pleading. *Id.*

27 4. Defendants' responsive pleading is not due to be filed until January 21,
28 2020—after the presently scheduled Case Management Conference—the Parties

1 jointly request to continue the Case Management Conference pursuant to Local Rule
2 16-2(e) (permitting filing of a stipulation to seek relief from the case management
3 schedule upon approval by the assigned judge). Furthermore, as required by Rule
4 16-2(d)(2), the parties have met and conferred, and agree to this continuance. The
5 requested extension will provide Defendants time to file a responsive pleading to the
6 Complaint, as well as prevent the expenditure of resources preparing for the Case
7 Management Conference until after such time.

8 5. Pursuant to this Stipulation, the Parties propose a 30-day continuance
9 of the Case Management Conference to February 10, 2019

10 6. This modification will result in the following changes to other
11 deadlines:

12 (1) the deadline for the parties to meet and confer regarding the Case
13 Management Conference pursuant to Fed. R. Civ. P. 26(f)(1) (21 days before
14 the Case Management Conference) will be January 17, 2020;

15 (2) the deadline to submit a Joint Case Management Conference
16 Statement pursuant to the Court's Case Management Order (7 days before the
17 Case Management Conference) will be February 3, 2020; and

18 (3) the deadline for the parties to submit ADR Certifications pursuant
19 to Local Rule 16-8(b) and the Court's Case Management Order (21 days
20 before the Case Management Conference) will be January 17, 2020.

21 Dated: December 23, 2019

Respectfully Submitted,

22 By: /s/ Catherine L. Coughlin
23 Sean D. Schwerdtfeger, Esq.
24 Catherine L. Coughlin, Esq.
25 Sara K. Richards, Esq.
26 Attorneys for Plaintiff:
27 PETER ALBERS

28 ///

1 Dated: December 23, 2019

Respectfully Submitted,

2 By: /s/ Jon Webster
3 Jon Webster, Esq.
4 Dustin Burton, Esq.
5 JON WEBSTER LAW GROUP, APC
6 Attorneys for Defendants:
7 YARBROUGH WORLD
SOLUTIONS, LLC, and
DALLY E. YARBROUGH

ORDER

Pursuant to stipulation and for good cause shown, it is hereby ORDERED that the Case Management Conference is continued to February 10, 2020, commencing at 10:00 a.m.

IT IS FURTHER ORDERED:

- (1) the deadline for the parties to meet and confer regarding the Case Management Conference pursuant to Fed. R. Civ. P. 26(f)(1) is January 17, 2020;
 - (2) the deadline to submit a Joint Case Management Conference Statement pursuant to the Court's Case Management Order is February 3, 2020; and
 - (3) the deadline for the parties to submit ADR Certifications pursuant to Local Rule 16-8(b) and the Court's Case Management Order) is January 17, 2020.

Dated: 12/26/2019

